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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 BRYANT LECHUGA,
11 Plaintiff,

12 vs.

13 RAMPARTS, LLC, a Nevada Limited Liability
14 Company; DOES I-X; and ROE Business
Entities I-X,
15 Defendants.

Case No. 2:19-cv-01731-APG-BNW

**STIPULATION AND ORDER TO
EXTEND DISPOSITIVE MOTION
DEADLINE**

(Sixth Request)

16
17 The parties, by and through their respective counsel of record, hereby stipulate and agree to
18 extend the deadline to file dispositive motions from January 29, 2021 to February 8, 2021 based on
19 the following:

20 **Procedural History**

21 1. The parties submitted the Stipulated Discovery Plan and (Proposed) Scheduling
22 Order on November 19, 2019 (ECF No. 20) which the Court approved the following day (ECF No.
23 21).

24 2. On March 23, 2020, the parties stipulated to stay the case until May 22, 2020 due to
25 the COVID-19 pandemic and closure of Defendant's business. ECF Nos. 24 and 26. Subsequently,
26 on May 5, 2020, the parties stipulated to extend the stay until June 22, 2020. ECF Nos. 25 and 27.

27 3. On June 29, 2020, the parties filed the Amended Discovery Plan and Scheduling
28 Order which proposed that relevant discovery dates should close 180 days thereafter. ECF No. 28.

1 Thus, this is the second request to extend the discovery and dispositive motion deadlines.

2 4. On July 6, 2020, the Court entered an order granting in part and denying in part, the
3 parties' Amended Discovery Plan and Scheduling Order. ECF No. 29, pg. 5. The Court ordered that
4 the discovery period would be limited to 90 days and discovery would close on September 28, 2020.
5 However, the Court stated that it would "consider another extension of this deadline if the parties
6 are unable to safely complete discovery within the enlarged period." *Id.*

7 5. On September 9, 2020, the parties stipulated to extend discovery by forty-five (45)
8 days to November 12, 2020 due to Plaintiff's Counsel's recovery from COVID-19. ECF No. 30.
9 The Court approved the stipulation on September 11, 2020. ECF No. 31.

10 6. On November 11, 2020, the parties stipulated to extend the discovery deadline by
11 23 days and dispositive motion deadline by 30 days to complete the deposition of Defendant's FRCP
12 30(b)(6) witness. ECF No. 32. The Court approved the stipulation on November 13, 2020. ECF No.
13 33.

14 7. On December 4, 2020, the parties stipulated to take the deposition of Defendant's
15 FRCP 30(b)(6) witness after the close of discovery. ECF No. 34. The court approved the stipulation
16 on December 8, 2020. ECF No. 35. Discovery closed on December 4, 2020 and Plaintiff completed
17 the deposition of Defendant's FRCP 30(b)(6) witness on December 8, 2020.

18 8. On December 15, 2020, the parties stipulated to extend the dispositive motion
19 deadline by 14 days to January 18, 2021 due to COVID-19 exposure and ensuing issues in defense
20 counsel's office and the upcoming holidays. ECF No. 36. The Court granted the Stipulation on
21 December 18, 2020. ECF No. 37.

22 9. On January 15, 2021, the parties stipulated to extend the dispositive motion deadline
23 from January 18, 2021 to January 29, 2021 due to settlement negotiations and defense counsel's
24 discovery calendar in another matter. ECF No. 38. The Court granted the Stipulation on January 20,
25 2021. ECF No. 39.

26 **Facts Regarding the Current Requested Extension**

27 10. Over the past several weeks the parties have diligently engaged in good faith
28 settlement negotiations. The parties' negotiations have been productive and are now in the final

1 stages, but are not expected to conclude, one way or the other, until early next week (the week of
 2 February 1st). The parties wish to continue conserving their respective resources and otherwise avoid
 3 incurring the significant time and expense associated with preparing dispositive motions while they
 4 determine if settlement is possible. Indeed, if a settlement is reached, it will eliminate the need for
 5 dispositive motions altogether. As such, the parties have agreed to extend the deadline for dispositive
 6 motions to February 8, 2021. The parties are not seeking to reopen or extend discovery through this
 7 Stipulation.

8 11. Based on the foregoing, the parties stipulate and agree to extend the dispositive
 9 motion deadline to February 8, 2021. Further, the parties stipulate that the joint pretrial order shall
 10 be filed by March 10, 2021, which is not more than thirty (30) days after the date set for filing
 11 dispositive motions. In the event dispositive motions are filed, the date for filing the joint pretrial
 12 order shall be suspended until thirty (30) days after the decision of the dispositive motions or until
 13 further order of the Court. In the further event that the deadline to file dispositive motions is further
 14 extended, the date for filing the joint pretrial order shall be extended in accordance with the time
 15 period set forth in this paragraph. All other deadlines remain unchanged at this time, however, the
 16 parties reserve the right to seek to reopen or extend any such deadlines, if warranted.

17 Dated this 28th day of January, 2021.

18 KEMP & KEMP

JACKSON LEWIS P.C.

19 /s/ James P. Kemp

/s/ Joshua A. Sliker

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ORDER

IT IS SO ORDERED

DATED: 11:22 am, February 01, 2021



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE